

The issue Petitioners seek to raise before the Commission has already been previously considered by the CPSC. In June 1994, the CPSC voted against initiating formal rulemaking proceedings on baby bath seats and to work with industry to initiate a public information campaign focusing on the risks taken by parents and other caregivers who leave children unattended in bathtubs.<sup>3</sup> The CPSC majority made it clear to the public that

“Bathtubs and unattended babies are a deadly combination. No product, no device, no convenience of any kind can substitute for the physical presence of a parent or caregiver. The incidents associated with bathtub seats and rings that have occurred were all tragic and preventable events. But these were all human tragedies, and not product failures. These bath seats and rings contained no manufacturing or design defects that constituted a mechanical hazard.”<sup>4</sup>

In voting against mandatory rulemaking for the product category, the CPSC stated

“It is clear that the irresponsible actions of those entrusted with caring for these children have, almost without exception, caused their deaths. If the Commission fails to address this issue, we will have failed in exercising our responsibility to alert consumers to the primary cause of these tragedies. Parents and caregivers must use these products as labeled and never leave a baby unattended in a bathtub.”<sup>5</sup>

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<sup>3</sup> “CPSC Votes Against Rulemaking for Baby Bath Seats”, Release #94-095, June 15, 1994.

<sup>4</sup> Ibid. See also Statement of Commissioner Jacqueline Jones-Smith on a Staff Proposal to Issue an ANPR on Baby Bath Rings and Seats, June 15, 1994

<sup>5</sup> CPSC Press Release, #94-095, supra. See also Statement of Commissioner Mary Sheila Gall - Baby Bath Rings and Seats, June 15, 1994.

The Commission at that time believed that this category of products did not constitute a mechanical hazard or present an unreasonable risk of injury to consumers under the FHSA. The FHSA requires that before an article may be regulated under the Act, it be determined to present a mechanical hazard. In defining such hazard, consideration of the product's design or manufacture under normal use, or when subject to reasonably foreseeable damage or abuse, as it relates to an unreasonable risk of personal injury or illness, is required.<sup>6</sup> When the product itself does not contain a mechanical hazard by virtue of its design under normal use or reasonably foreseeable misuse conditions, it cannot be considered as presenting a mechanical hazard. The record thus far does not indicate that the products themselves contain a design or manufacturing defect or that they fail when subjected to reasonably foreseeable damage or abuse. In almost all of the investigations cited by Petitioners, the bath aids did not fail to perform as intended. The unsubstantiated theory that use of the products themselves create a false sense of security because they are too well-made, leading users to somehow believe that it is safe to leave infants alone in water-filled bathtubs is not a basis for banning the product from the marketplace. Indeed, evidence suggests that such a theory is simply not true and this theory was explicitly rejected by the Commission as untenable.<sup>7</sup>

#### **Industry Has Cooperated with CPSC Safety Initiatives on Bath Aids**

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<sup>6</sup> Federal Hazardous Substances Act, 15 U.S.C. 1261(s)

<sup>7</sup> See Statement of Commissioner Jacqueline Jones-Smith on a Staff Proposal to Issue an ANPR on Baby Bath Rings and Seats, June 15, 1994; and Statement of Commissioner Mary Sheila Gall - Baby Bath Rings and Seats, June 15, 1994.

During the past decade, the Association has worked extensively with the CPSC staff to improve baby bath seats and rings. The result of this collaborative effort has been permanent warnings on the product and warnings on the packaging of these products not to leave children unattended or to keep children within arm's reach. Advertising is developed to always show a caregiver in attendance when infants in bathtubs are depicted. The Association and industry has worked to advise retailers to always depict caregivers in attendance when using pictures of infants in a bath seat or bathtub. Bathing safety tips were included in the Association's "Be Sure It's Safe for Baby" brochures, with extensive distribution nationally. The Association has worked to obtain editorial coverage of the issue in national and trade media. Some of our members have developed creative programs designed to promote bathroom safety that covers a broad range of infant products. These efforts have been consistent with the vote of the CPSC to promote public information and education.<sup>8</sup>

The Commission needs to dedicate greater resources to promote public information and education about safe bathing practices. The fundamental flaw in the information and education approach by the government to date has been its unwillingness to focus on the issue as a bathtub safety issue, ignoring up to ten times as many fatalities as are estimated to occur in bathtubs where bath seats have not been used.<sup>9</sup> This approach should be contrasted with other public service announcements (PSAs) used by other children's safety advocacy groups.<sup>10</sup>

Notwithstanding the Commission vote not to ban the products or establish performance and labeling standards or require development of a voluntary standard, an extensive voluntary

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<sup>8</sup> For example, JPMA contacted many consumer and trade publications to promote feature articles on safe bathing practices, Gerber Products Company distributes bathroom safety tips and a checklist in English and Spanish in its Baby Safety Shower How-To Kit; Sassy, Inc. distributes attractive play decals that incorporate bathing safety tips with its bath toys, Safety 1<sup>st</sup>, Inc. has promoted a proper display and representation of bath seat use with catalog and retail distributors.

<sup>9</sup> For instance, see "CPSC Announces Study Results of Drowning Danger Using Infant Bathtub Seats", Release #98-002, October 6, 1997.

<sup>10</sup> See, for example, Egleston Children's Hospital at Emory University PSA "A Child Can Drown in the Time It Takes to Answer the Phone", previously referred to by the CPSC staff as a model PSA, see also *Options to Address Risk With Baby Bath Rings/Seats*, OS #5348, May 1994, Tab D, AAP.

standard requiring performance and warning requirements has been implemented by the American Society for Testing and Materials (ASTM) at ASTM F1967. Interestingly, a comparison of the Standard's requirements with those originally set forth in the "Options to Address Risks with Baby Bath Rings/Seats", CPSC OS#5348, dated May 1994, indicates that almost all of the CPSC staff-delineated performance and labeling options have been implemented.

### **The Drowning Hazard is Created by Leaving Baby Alone in the Bathtub**

Petitioners unsubstantiated claim that the inherent design of bath seat products induce a "false sense of security" among users in unfounded. Petitioners argue, in effect, that caregivers are not responsible for exercising reasonable due care while caring for infants in bathtubs. As we have noted, this speculative theory is contrary to the CPSC's official position that the action of caregivers leaving infants unattended in bath seats or rings, contrary to common sense and clear explicit warnings on the product not to, is unreasonable.<sup>11</sup>

### **Risk of Drowning is Greater for Infants in Bathtubs Without Bath Seats**

Petitioners contend that an aggregate numerical increase in drownings justifies banning the products. In doing so, they ignore statistical analysis comparing risk associated with and without use of such products in the bathtub. The 66 infant drownings during which bath seats were allegedly involved represent an aggregate over 17 years. This is an average of about 4 per year during such period. This represents only a small percentage of a larger problem since in excess of 50 infants under one year of age are estimated to drown because caregivers fail to watch infants in bathtubs.<sup>12</sup>

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<sup>11</sup> FN 3-5, 7

<sup>12</sup> The National Center for Health Statistics (NCHS) Public use data tapes. *Compressed Mortality Files*: Code I910.4. Hyattsville, MD. U.S. Department of Health and Human Services

Since the 1970s drowning rates have decreased markedly in most age groups with the exception of toddlers, where rates have remained fairly stable, and infants, where rates may have actually increased.<sup>13</sup> For the 12-year period from 1983-1994, 1219 infants drowned (2.60/100 000 infants), of which 1036 (85%) were coded as unintentional intent.<sup>14</sup> In contrast to toddlers, who are likely to drown in residential swimming pools,<sup>15</sup> more than 50% of unintentional infant drowning deaths occur in the bathtub.<sup>16</sup>

Based on the foregoing, the drowning rate in bathtubs associated with bath seat use is extremely low given the frequent bathing of infants. Petitioners have ignored the greater risk to children in bathtubs without bath seats. Statistically, it seems that children are safer when caregivers use bath seats compared to when they are not in use. The Association and CPSC estimates that approximately one million of such bathing aids are sold annually. CPSC staff has estimated that as many as 1.4 million products are in use with infants while the Association estimates the number now may be closer to 2 million. If the aggregate population of children under 1 year of age is approximately 4 million, the drowning rate in bathtubs for children bathed without the assistance of a bath seat may be more than ten times higher than for children with whom bath seats are used.

In 1994, the CPSC staff considered this risk and concluded that its own review of the data indicated that it cannot be stated with any degree of certainty that caretakers would have stayed in the bathroom if the child had not been in a bath seat/ring. Only a small portion of bathtub

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<sup>13</sup> Brenner RA, Smith GS, Overpeck MD Divergent trends in childhood drowning rates, 1971 through 1988. *JAMA*. 1994; 271:1606-1608 [Medline]. Note: Rates have remained relatively stable, despite increases in population for infants under 1 year old.

<sup>14</sup> National Center for Health Statistics. Public Use data tapes. *Compress Mortality Files*. 1983-1994. Hyattsville, MD. US Department of Health and Human Services

<sup>15</sup> Quan L, Gore EJ, Wentz K, Allen J, Novack AH ten-year study of pediatric drownings and near-drownings in King County, Washington: lessons in injury prevention *Pediatrics*, 1989, 83: 1035-1040 [Abstract]

Wintemute GJ, Kraus JF, Teret SP, Wright M Drowning in childhood and adolescence: a population-based study. *Am J Public Health*. 1987; 77:830-832 [Medline]

<sup>16</sup> National Center for Health Statistics. Public Use data tapes. *Compressed Mortality Files*. 1983-1994. Hyattsville, MD. US Department of Health and Human Services

drownings are known to involve such products. The common pattern with and without such products is that supervision of the victim is interrupted. Beyond that, little information is available on the events surrounding bathtub drownings.<sup>17</sup>

Under the circumstances, eliminating the product category from the marketplace will not reduce drownings to unattended children in bathtubs.

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<sup>17</sup> Memorandum of C.A. Sedney, EPHF, dated May 3, 1994, citing Memorandum of D. Tinsworth, EPHA, dated March 17, 1994

## Recent Research Does Not Establish That Use of the Products Increases Risk of Drowning

Petitioners cite to a recent study based on an extremely limited database involving 32 bathtub drowning incidents where a bath seat was present. The study found bath seat use resulted in greater water depths in bathtubs. Additionally, Petitioners argue that the study establishes willful decisions to leave infants alone in bathtubs are involved more often when bathing aids were used as opposed to when they are not. Even if taken at face value, such study does not establish that caregivers developed a “false sense of safety” because of use of bath seats. The study’s author admits that the study does not definitively establish that such behavior is attributable to bath seat use, that statements upon which the study was based may not have been truthful, that the determination of which activities were characterized as “willful” as opposed to “impulsive” were subjective, and that the database is too limited to draw “definitive conclusions that use of a bath seat caused tragic behavior.”<sup>18</sup> The Association is aware of at least one case where it was independently determined that a bath seat was not causally responsible for an accidental bathtub drowning, contrary to statements by the caregiver that the product somehow created a false sense of security that she could leave her son alone in the bathtub.<sup>19</sup>

The other publication cited, while factually accurate, does not establish a causal connection between the use of bath seats and a higher risk of drowning in bathtubs. The research cited actually notes that although bath seats are involved in drowning deaths, it is not certain that use of these products increases the risk of drowning.<sup>20</sup>

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<sup>18</sup> Discussions with Clay Mann, relating to “*Infant Seat Bathtub Drowning: Who’s to Blame*” as cited in FN 4 to Petition.

<sup>19</sup> White, et al. v. Safety 1<sup>st</sup>, Inc., Massachusetts Superior Court Civil Action No. 97-5748, dated June 2000. In this decision, the Court concluded that, contrary to allegations otherwise, the caregiver “... was aware of and appreciated the obvious danger she was incurring by leaving [her son] alone in the bath seat in the bathtub. She had read the warnings on the bath seat and knew her baby could drown if left unattended in the bathtub. No further warning was needed. Therefore [the Company] was not causally responsible for the accident ...”.

<sup>20</sup> See, “The Role of Bathtub Seats and Rings in Infant Drowning Deaths”, Rauchschwalbe, Brenner and Smith, Pediatrics, vol 100, No. 4, October 1997. This study has been confused as representing the position of the CPSC, because one of the authors is a staff

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member at the agency. This is not the case, indeed, the CPSC, in a press release citing the study, specifically states "CPSC reminds caregivers that bathtub seats are safe if used properly, which means providing constant adult supervision when young children are in the tub" (see FN 9). This differs from a bias evidenced by the authors



**A False Sense of Security Results From Repeated  
Risky Behavior By the Caregiver, Not Use of the Products**

Statements made by product users provide a better indicia that caregivers undertake risky behavior in leaving infants alone in bathtubs, because they have previously done it without catastrophe. Caregivers fully understand the warnings on the products and the tragic potential of drowning if they leave infants unattended in a bathtub.<sup>21</sup>

In general, parents report that they would never, under any circumstances, leave a young child alone in the bath. Typically, the parents who are so adamant about not leaving a young child alone in the bath personally know someone who has drowned in water or have read or heard a story about accidents that have occurred because of children being left unattended near water<sup>22</sup>

“You never leave them. I don’t care what’s going on. You take the child out of the tub. Never leave them.”

“I know of a family where the mother ran to the phone and came back and the baby was face down. So I have that in my head constantly. If the phone rings I grab a towel and take her with me.”

“I never do. My brother’s baby drowned so I’m very conscious—not in a tub.”

Reasons typically given for having turned away or for having left the bathroom during bath time are minor and include going for a towel, diaper, sleepwear, or a portable telephone. Some parents do say they have left to prevent their older children from engaging in high risk behavior (e.g., responding to the door bell without an adult) or to prevent an emergency (e.g., removing something from the stove). It is worth noting, however, that parents seem more likely

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<sup>21</sup> See FN 19; see also A Focus Group Study to Evaluate Consumer Use and Perceptions of Baby Bath Rings/Seats, CPSC P-93-5839, p. 23.

<sup>22</sup> A Focus Group Study to Evaluate Consumer Use and Perceptions of Baby Bath Rings/Seats, CPSC P-93-5839, p. 19, 21.

to leave their children in the bath for minor reasons than for household emergencies. Incredibly, some incident reports indicate that the caregiver left the infant alone in the bathtub to watch television, cook or perform household chores. Based upon the admissions of caregivers or other witnesses, the mean time lapse that an infant was left in the bathtub was six minutes, with the maximum time being thirty-five minutes. Such behavior is irresponsible.

Often, parents report that several things would make them feel more comfortable leaving a child unattended in the bathtub because there is an older sibling in the bath with the younger child, or because they are still able to see and hear the child even though they have physically left the bathroom.

The key factor in the determination to leave the child unattended in the bathtub appears to simply be that the caregiver has previously done it without accident or tragedy. It is this factor that seems to be the most significant issue. The confidence from a successful experience in leaving an infant alone in the bathtub leads to the likelihood of repeated high-risk behavior. There is no evidence that the product itself leads to this risky behavior. Indeed, the evidence supports a contrary determination. Almost all of the parents surveyed recalled the warnings on the product, packaging or instructions and view it as an important reminder that the consequences of leaving an infant alone in the bathtub could be drowning.<sup>23</sup> This fact undercuts Petitioners' argument that the warnings are not noticed and are ineffective. This might account for the lower drowning rate associated with use of these products, when compared to the higher drowning rate in bathtubs where such products are not present.

### **III. The Voluntary Standards Adequately Address Performance and Other Requirements**

#### **ASTM Voluntary Standard - Infant Bath Seats (F1967-99)**

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<sup>23</sup> See FN 19, see also A Focus Group Study to Evaluate Consumer Use and Perceptions of Baby Bath Rings/Seats, CPSC P-93-5839, p. 23.

The ASTM has developed and implemented a voluntary standard for infant bath seats which codifies many of the practices developed by industry in collaboration with the CPSC and other safety advocacy organizations <sup>24</sup> Based upon its own review of the industry, the Association believes that 100% of infant bath seats currently on the marketplace today are produced and distributed in compliance with the ASTM Standard The Standard incorporates mandatory federal requirements such as 16 CFR 1303, 16 CFR 1500.48-1500.51 and 16 CFR 1501. Also, the Standard requires products not to scissor, shear or pinch, not to contain openings which are toe or finger entrapments and has performance requirements for stability, loading, use in the tub and function Most importantly, the Standard codifies the uniform industry practice of producing such products with clear, explicit permanent warnings on the product (and its packaging and instructional literature), as follows:<sup>25</sup>

**WARNING:**

**Prevent Drowning. ALWAYS keep baby within arm's reach. NOT for use on textured, non-skid surfaces.**

This warning or similar warnings have been permanently affixed to the products for many years. The ASTM Standard is constantly subject to review by consumer, industry and government representatives. Indeed, further revisions to the Standard were recently voted upon and are awaiting balloting and publication Based on the foregoing, the Commission could not now as a matter of law reasonably determine that these products presented a mechanical hazard which is not adequately addressed by an existing voluntary standard.

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<sup>24</sup> F1967-99, *Standard Consumer Safety Specification for Infant Bath Seats*, American Society for Testing and Materials

<sup>25</sup> ASTM F1967-99, Sections 6,7 and 8, See also Plastic Buckets Withdrawal of ANPR, FR 13597/June 2, 1995, Effective drowning warnings have previously been a basis for termination of rulemaking.

Petitioners argue, without assessment or regard to the evidence, that the voluntary standard is inadequate to address the risk of drowning associated with bath seats. The problem with this argument is that the risk of drowning is associated with leaving an infant alone in the bathtub, not with use of a bathing aid in the tub. In effect, this is a straw man argument which fails to support itself. We have already reviewed the Commission's clear determination that the drowning hazard does not constitute an unreasonable risk of injury due to the product's manufacture or design. The unreasonable actions of caregivers who leave infants unattended in bathtubs, whether or not a bath seat or ring is used, results in the hazard, with tragic consequences. This behavior itself defies the common sense approach used by 99.999% of the population and is unreasonable. As we have noted, the products themselves performed properly and as intended. It was not the normal or even foreseeable misuse of the product that creates the hazard, but rather the unreasonable behavior of the caregiver. No standard, whether mandatory or voluntary, can address this risk.

With respect to the substantive provisions of F1967-99, it is interesting to note that 7 of the 9 Petitioners evidenced no involvement or interest in participating in the development of any standard (either voluntary or mandatory) for the product category. Two of the 9 Petitioners (the Consumer Federation of America and The Danny Foundation) have participated in the development of the Standard and did not object to its adoption and implementation by ASTM. They have offered no evidence establishing that such standard is inadequate as to performance or warning requirements. Additionally, they cannot establish marketplace non-compliance with its requirements. One must question, then, what is their motivation in seeking a ban of a useful product category, and whether their position is truly representative of the public they claim to serve.

#### **Petitioners' Reference to ASTM Voluntary Standard for Slip-Resistant Bathing Facilities (F46279) is Inapplicable**

Petitioners allege that in 1979 (re-approved 1994), ASTM published a standard for slip-resistant bathing facilities.<sup>26</sup> In essence, the Standard requires a slip-resistant feature for bathtubs. It was implemented in an effort to prevent fall injuries in bathrooms, which Petitioners

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<sup>26</sup> F462-79, *Standard Consumer Safety Specification for Slip-Resistant Bathing Facilities*, American Society for Testing and Materials

acknowledge is a serious injury problem to the general population and to the elderly, disabled, infants and young children. They correctly contend that the infant bath seats contain warnings on their packaging and printed instructions that the products are “not for use on textured, non-skid surfaces”<sup>27</sup> They argue that the bath seats are incompatible with such bathtubs. However, they have not addressed the underlying fact that most bath seats are used on smooth surface tubs and most of the deaths occurred with such tubs. They ignore the fact that most of the nation’s housing stock contains smooth surface tubs to which such bath seats securely adhere. This fact was referenced in the CPSC’s own contracted research study when most respondents reported that their bathtubs were made of porcelain and are extremely slippery.<sup>28</sup> Additionally, a predominance of the fatalities (on identified tub surfaces) in which a bath seat was present did not involve tipovers of the product in slip-resistant bathtubs<sup>29</sup> Even if such products were to be misused with such bathtubs, with proper caregiver attention there is no risk of death or serious injury

### CONCLUSION

For all the reasons set forth herein, the Association requests that the U S Consumer Product Safety Commission deny the Petition, in accordance with its prior determination of this issue, finding as a matter of law that there is no basis under Section 3(e) of the FHSA, 15 U.S.C. 1262, to determine that infant bath seats present a mechanical hazard. Furthermore, the Association requests the CPSC to actively implement its previous decision to continually and vigorously engage in a public information campaign focusing on the risk taken by parents and other caregivers who leave children unattended in bathtubs. Educational efforts must reinforce the need for continuous responsible supervision of infants and children around all bodies of water.<sup>30</sup> This approach would provide a significant public service and, when the message is

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<sup>27</sup> ASTM F1967, Section 6.5

<sup>28</sup> A Focus Group Study to Evaluate Consumer Use and Perceptions of Baby Bath Rings/Seats, CPSC P-93-5839.

<sup>29</sup> See ASTM F1967 Work Group Summary of Incidents , annexed hereto. This data also indicates that Petitioners ignore the role of abuse and unreasonable behavior in infant drownings

<sup>30</sup> Jenson LR, Williams SD, Thurman DJ, Keller, PA, Submersion Injuries in Children

continually reinforced, might reduce the incidents of infant drowning in bathtubs in the United States. The Association is willing to work to promote this message, in partnership with any interested organization.

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Younger than 5 Years in Urban Utah *West J. Med* 1992; 157:641-644; see also Kemp AM, Mott AM, Silbert JR, Accidents and Child Abuse in Bathtub Submersions *Arch Dis Child* 1994; 70:435-438. Consistent with efforts cited in FNs 8 and 10 and contrary to Addendum to Statement of Chairman Ann Brown-Baby Bath Seats and Rings, June 15, 1994.

Bath Seat Incident Data				Updated 10/22/00		(bathsort.xls)				
Incidents sorted on column "Incident Date"										
DEATHS										
IDI Number	C	Incident Date	Tub Surface	Product Type	Observation of Position	Location	Sibling Present	Age mo./sex	Water Depth(in)	Position Code
830826DAL5118	x	83/8/18	Smooth	Unknown	2 legs stuck through one leg opening	Present	N	16F	6	legs stuck
891129CCCC2074	x	84/8/12	Unknown	3 legs with suction cups	Lying on back - seat upright in tub	Absent	N	9F	5	up/out
851016CBB3004	x	85/9/6	Unknown	Suction cups	Child submerged - seat overturned	Present - head turned	N	7F	Unknown	tipped
880413CBB0292	x	86/11/6	Unknown	Unknown	Out of seat, floating - seat upright and attached	Absent	N	8F	8-9	up/out
900425CCCC1386		89/3/16	Textured	Suction cups	Standing at faucet, scalded seat slid on tub	Absent	N	8F	3-4	scald
900305CCN1140	x	90/2/15	Smooth but with	Suction cups	Lying face down - seat upright and attached	Absent	N	10F	12	up/out
910315CWE5015	x	91/2/17	Smooth	Unknown	Lying face down - seat upright and attached	Absent	N	8F	10	up/out
930312CCCC3272	x	91/3/7	Smooth	Suction cups - 1 missing	Lying face down	Absent	N	9F	8-10	unknown
910429CCN1151	x	91/4/19	Unknown	Unknown	Lying on side with head submerged - seat on side	Absent	N	8F	4-5	tipped
Canada - 5/91		91/5/12	Smooth	Unknown	Submerged under bubbles - seat tipped	Absent	N	7F	9	tipped
C9240012A	o	91/6/12	Ridged	Unknown	Floating head down out of seat	Absent	N	12	10	unknown
920731CCC1532	x	92/2/12	Unknown - laundry sink	4 suction cups - one missing	Slumped over in seat - seat upright	Absent	N	6M	4	seat up
921105CCC3049	x	92/5/29	Unknown	Unknown	Floating in water	Absent	Y - 24 mo.	9F	5	unknown
941104CBB1015	x	92/7/9	Unknown	3 suction cups	Head leaned over; still in seat	Absent	N	5M	Unknown	seat up
921013CCC1010	x	92/8/10	Smooth	4 suction cups	Toppled, hit head, submerged - caregiver could not respond quickly	Present	N	6F	7	tipped
921130CWE4015	x	92/10/27	Granular	Suction cups - 3 missing	Lying on side, submerged - seat tipped over	Absent	Y - 19 mo	8F	6	tipped

IDI Number	C	Incident Date	Tub Surface	Product Type	Observation of Position	Location	Sibling Present	Age mo./sex	Water Depth(in.)	Position Code
941104CAA2050	x	93/3/10	Unknown	4 suction cups	Seat still attached to tub; found face down	Absent	Y - 23 mo.	8M	6-7	up/out
930928CWW5022	x	93/8/5	Unknown	T-bar style	Lying on side, safety bar unlocked - on life support	Absent	N	6F	6-8	unknown
940426CCC2444		93/10/3	Unknown	Unknown	Lying face down	Absent	N	8M	Unknown	unknown
961129CCC5084	x	93/10/27	Unknown	Suction cups	Tipped over, submerged	Absent	N	6F	9	tipped
940602CNE5147	x	94/5/7	Unknown	Suction cups - 2 missing	Lying pitched forward - seat toppled	Absent	N	9F	4	tipped
950413HBB3087	x	94/6/11	Unknown	4 suction cups	Unknown - floating face down in water, seat upright on mat	Absent	Y - 24 mo	8M	Tub "filled"	up/out
950918CCC2998	x	94/7/11	Unknown	Suction cups	Still in seat; face in water, seat upright	Absent	Y - 24 mo.	6M	6-8	seat up
950412HEP9017	x	94/7/16	Bottom not flat	3 suction cups	Still in seat, face in water, seat upright	Absent	Y - 27 mo	7 1/2F	Tub 5/6 full	seat up
940830CBB3723	x	94/8/18	Unknown	4 suction cups but may have been missing	Still in seat, face in water, seat upright	Absent	N	10M	2-3	seat up
950601HAA4050		94/8/26	Unknown	Unknown	down in water, seat still attached to tub	Absent	N	7F	9-10	up/out
941012CAA1008		94/10/10	Unknown	Multi suction cup mat, 4 leg openings	2 legs stuck through one leg opening	Absent	Y - 9 mo	9F	6-8	legs stuck
950207HWE7020		95/1/13	Unknown	4 suction cups	Unknown - floating face down in water	Absent	N	7F	3	unknown
960910CCC5610		95/1/29	Unknown	4 suction cups, only 3 present	Unknown - floating face down in water, placed on vinyl mat	Absent	N	6M	6-8	unknown
950308CCN1422		95/2/15	Unknown	Suction cups	Flipped over - found lying on side	Absent	N	7M	Unknown	unknown
950621HCC1144		95/2/28	Unknown	Unknown - broken front leg	Unknown	Absent	Y - 24 mo.	9F	8	unknown
950509HEP9015		95/4/25	Unknown	Unknown	Unknown	Unknown	Unknown	7M	Unknown	unknown
950607CEP9015		95/5/17	Unknown	Unknown	Unknown	Unknown	Unknown	7F	Unknown	unknown
970709CCC3260		95/6/29	Unknown	Unknown - not sure if used by victim	Unknown - floating face down in water	Absent	N	8F	Tub full	unknown
950926CBB2034		95/8/14	Unknown	Unknown	Unknown - floating face down in water	Absent	N	10M	Unknown	unknown

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IDI Number	C	Incident Date	Tub Surface	Product Type	Observation of Position	Location	Sibling Present	Age mo./sex	Water Depth(in.)	Position Code
950830CBB1943		95/8/21	Unknown	4 suction cups w/ T bar - no damage	Unknown - floating face down in water	Absent	N	8M	6-8	unknown
960603CCCC5215		95/9/6	Unknown	Unknown	Unknown - floating face down in water	Absent	Y - 24 mo.	10M	Unknown	unknown
960719CCCC5365		95/10/3	Unknown	4 legs with suction cups	Tipped over, submerged	Absent	N	9F	Tub full	tipped
960816CCCC5520		95/10/3	Unknown	Unknown but has suction cups	Tipped over, submerged	Absent	Unknown	9F	Tub full	tipped
970418CCCC2121	x	95/10/27	Unknown	Multiple suction cup mat	Unknown - found face down in water, seat still upright in tub	Absent	N	14F	5-6	up/out
960919CCCC5628	x	95/10/30	White enamel	4 suction cups, only 3 present	Toppled over, floating face down	Absent	Y - 24 mo	10M	10	tipped
970131CCCC5287	x	95/12/7	Unknown	Suction cups	Unknown - floating face down in water	Absent	N	9F	6	unknown
970227CCCC5361	x	96/4/2	Unknown	Unknown	Unknown - floating face down in water	Absent	N	6F	Unknown	unknown
970213CCCC5317	x	96/4/4	Smooth	Multiple suction cup mat	Unknown - floating face down in water	Absent	N	10F	7-8	unknown
960924CCCC5643	x	96/5/18	Unknown	4 suction cups	Tipped over, submerged	Absent	N	12M	8	tipped
960708CCA5323	x	96/7/2	Unknown	4 suction cups, only 2 present	Tipped over, submerged	Absent	N	7F	4	tipped
970626CCCC3238	x	96/9/28	Unknown	No suction cups	Unknown - found under	Absent	N	5M	12	unknown
961213CCCC5141	x	96/10/16	Unknown	Suction cups, 3 vertical posts	Unknown - floating face with manslaughter, no product failure alleged	Absent	Y - 24 mo	9F	2-3 and overflow	unknown
970418CCCC3103		96/11/12	Unknown	Suction cups	product failure alleged	Absent	N	9F	and overflow	Susp
970611CCCC1300	x	97/3/9	Unknown	Suction cups	Tipped over, submerged	Absent	N	6F	6	tipped
970129CCN0298		97/3/12	Unknown	Suction cups	Unknown - lying on side in	Absent	N	9M	Tub full	up/out
980217CNE5086	x	97/4/15	Unknown	Suction cups	Still in seat, face in water, seat upright	Absent	Y - 24 mo	6M	Unknown	seat up
980529CCC0458	o	97/6/21	Unknown	Unknown	Unknown	Absent	Unknown	20F	Unknown	unknown
980116CCCC1997	x	97/7/4	Unknown	Suction cups	2 legs stuck through one leg opening	Absent	N	7F	4-5	legs stuck
980219CCC3611	x	97/7/13	Unknown	4 suction cups	Unknown - floating face down in water	Absent	N	6F	9-10	unknown
970717CBB2337	x	97/7/15	Unknown	3 suction cups with restraint	Tipped over, submerged	Absent	Y - 24 mo	8F	8	tipped
980513CCCC5555	x	97/7/19	Unknown	4 suction cups with T bar	Unknown - floating face up in water, seat still attached to tub	Absent	Y - 30 mo.	11F	18-24	up/out

IDI Number	C	Incident Date	Tub Surface	Product Type	Observation of Position	Location	Sibling Present	Age mo./sex	Water Depth(in.)	Position Code
990415CCC0429	x	97/9/20	Unknown	Unknown	Unknown - found unresponsive	Absent	Y - 36 mo.	9M	Unknown	unknown
980319CCC1208	o	97/9/30	Unknown	Unknown	Unknown - buoyed up out of seat	Absent	Unknown	7F	Unknown	unknown
980811CCC0643	o	98/3/24	Unknown	6-inch inclined surface	Rolled off - Father charged	Absent	N	8M	Unknown	Susp.
981228CCC6099		98/5/12	Unknown	Unknown	Unknown - Mother charged with abuse/neglect	Absent	N	8M	8 5	Susp
000112CCC2198	x	98/6/23	Unknown	4 suction cups swivel seat	Sibling held infant under water	Absent	Y - 36 & 60 mo	7F	12	Susp.
990312CCC3214		98/8/11	Slip-resistant mats	3 suction cups, triangular shape, with seatbelt	2-yr Old sibling fell on top of baby	Absent	Y - 24 mo.	11M	12	Susp
980826CBB3967		98/8/21	Unknown	4 suction cups	Face down water - seat tipped over	Absent	N	9M	6	tipped
H9880216A		98/8/21	Unknown	Unknown	Seat flipped over - floating in tub	Absent	N	Unknown	7	tipped
990401CCC2372	x	98/10/12	Unknown	Unknown	Unknown - submerged	Absent	Y - 36 mo	11F	Unknown	unknown
990405CWE7189		98/12/09	Unknown	4 suction cups with T-bar	Sibling pulled baby out of bath seat	Absent	Y - 24 mo	10M	6-8	Susp.
991026CCN0005	x	99/10/22	Unknown	3 suction cups, triangular shape, with seatbelt	Slumped over, still in upright bathseat, perhaps caused by "numerous medical problems"	Absent	N	24F	Unknown	seat up
000202CCC0355	x	99/12/15	Unknown	4 suction cups, but bottom was separated from top ring	Unknown - found unresponsive	Absent	N	5F	6	unknown
000131CCN0078		00/1/27	Unknown	Blue with suction cups	Leaning backwards, still in upright bathseat, suspicious stories by 15-yr old babysitter	Absent	Y - 24 mo	6M	6	Susp
000707CCC0802	x	00/2/18	Unknown	4 suction cups swivel seat	Found face down	Absent	N	7F	2 1/2	unknown
000608CBB2599	x	00/6/2	Smooth	4 suction cups swivel seat	Lying face down in water in tipped over seat	Absent	N	7M	4-6	tipped
I00660097		00/6/2	Unknown	Unknown	Unknown	Unknown	Unknown	7M	Unknown	unknown
000630CCC2634	x	00/6/8	Smooth, Kitchen Sink	4 suction cups, swivel seat	Found face down in water in tipped over seat	Absent	N	7F	4-5	tipped

Bathsort.xls

ID Number	C	Incident Date	Tub Surface	Product Type	Observation of Position	Location	Sibling Present	Age mo./sex	Water Depth(ft.)	Position Code



IDI Number	C	Incident Date	Tub Surface	Product Type	Observation of Position	Location	Sibling Present	Age mo./sex	Water Depth(in.)	Position Code
<b>INJURIES</b>										
941101CCN0379		94/10/24	Unknown	4 suction cups	Pinched and lacerated scrotum Fell through T bar - laceration	Present	Y - 60 mo.	11M	Unknown	Minor l - pinch
960201CEP9001		95/12/19	Unknown	T-bar		Present	Unknown	23M	6-8	Minor l - cut
971023CCN0027		97/8/28	Unknown	Unknown	Recovered from pneumonia - Inhaled water from small cavities Head injury - Fell off countertop, still in bath seat	Present	Unknown	7F	Unknown	Minor l - pneumonia
NEISS		99/2/8	N/A	Unknown		Unknown	Unknown	1	None	Minor l - counter to p
H993066A		99/3/28	Unknown	Unknown	Bruised legs - caught on restraint bar	Present	N	10	Unknown	Minor l - bruise
19959077A		99/4/19	Unknown	Unknown	Laceration from seat	Present	N	6	Unknown	Minor l - cut
990518CCC2462		99/5/9	Unknown	Suction cups	Bumped head - tipped over	Present	N	6	2-3	Minor l - bump
19950178A		99/5/28	Unknown	Unknown	Pinched finger in toy	Unknown	Unknown	8	Unknown	Minor l - pinch
19960243A		99/6/22	Unknown	Unknown	Cut by sharp edge on seat	Present	Unknown	8	Unknown	Minor l - cut

ID# Number	C	Incident Date	Tub Surface	Product Type	Observation of Position	Location	Sibling Present	Age mo./sex	Water Depth(in.)	Position Code
<b>NO INJURIES</b>										
911216CWE5014		91/6/11	Smooth	Unknown	No injury, head under water - seat upright and attached	Absent	N	7F	4	up
930415CCCC3319		91/6/14	Unknown	Suction cups	No injury - floating on back out of seat - seat upright and attached	Absent	Y - 24 mo.	10F	5	up
911007CCC1022		91/9/26	Smooth	Suction cups	No injury - sibling held head under water	Absent	Y - 36 mo.	11F	9	Susp
920605CEP9003		92/5/14	Smooth	Unknown	No injury - slid beneath ring	Present	Y - 36 mo	9F	6	slid
930727CEP9010		93/7/3	Appliques	Unknown	No injury - lying on side, submerged	Absent	N	10F	6	unk
940120CCC1207		93/8/22	Unknown	4 suction cups	No injury - 2 legs stuck through one leg opening while lifting out	Present	N	11M	Unknown	other
970612CCC3211		95/5/28	Unknown	Unknown	No injury - fell over	Absent	Unknown	7F	Unknown	tip
970612CCC3213		95/5/5	Unknown	Unknown	No injury - fell over	Absent	Unknown	7M	Unknown	tip
970122CEP9009		97/1/12	Unknown	Legs with suction cups	No injury - suction cups failed	Absent	Unknown	6F	1-2	tip
971128CCC2133		97/10/1	Unknown	Legs with suction cups	No injury - 1 support leg suction cup loose	Present	Unknown	5F	Unknown	tip
971224CCC2169		97/12/21	Unknown	Multiple suction cup mat	No injury - slipped and stuck	Present	Unknown	7M	4	slid
970721CCC1388		97/3/20	Unknown	3 suction cups	No injury - 2 legs stuck through one leg opening	Present	Unknown	3M	Unknown	slid
970428CBB3114		97/4/22	Unknown	Unknown	No injury - unknown	Present - head	Unknown	8F	6	unk
970729CBB2351		97/6/24	Unknown	Unknown	No injury - unknown	Absent	Unknown	2M	Unknown	unk
980331CCC1245		98/3/23	Unknown	T-bar style	No injury - T bar fell off	Present	Unknown	13F	Unknown	unk
990217CCC2276		99/2/8	Unknown	4 suction cups	No injury - Slipped through leg opening	Present	Y - 24 mo.	8	3 5	slid
19930122A		99/3/1	Unknown	4 suction cups	No injury - Tipped over	Present	Y	12	Unknown	tip
H9940031A		99/3/6	Unknown	Unknown	No injury - Leg caught between seat and restraint bar	Present	Unknown	7	Unknown	other

IDI Number	C	Incident Date	Tub Surface	Product Type	Observation of Position	Location	Sibling Present	Age mo./sex	Water Depth(in.)	Position Code
990413CCCC3293		99/3/6	Unknown	Suction cups	No injury - upper/lower parts of seat detached	Absent	N	8	4-5	other
990527CNE5179		99/5/4	Unknown	Unknown	No injury - legs and 1 arm slipped through opening	Present	N	Unknown	Unknown	slid
NEISS H9960109A		99/5/17	Unknown	Unknown	No injury - slipped out, submerged	Unknown	Unknown	6	Unknown	slid
		99/6/1	Unknown	3 suction cups	No injury - Tipped over	Present	Unknown	7	Unknown	tip
NEISS		99/6/2	Unknown	Unknown	No injury - found face down in 1/2 full tub	Absent	Unknown	7	1/2 full tub	unk
000724		00/6/9	Non-skid	4 suction cups	No injury, resuscitated	Absent	Y - 6 yr	9M	12	tip
000707CWE6003		00/7/2	Unknown	4 suction cups swivel seat	No injury - legs slid into one opening	Present	N	10F	6	slid

# Bath Seat Incident Summary - by Incident Date and Position Code

(bathsumm.xls)

10/22/00

Year	Deaths	Injuries	No Injuries	Position Codes for Deaths Only						
				Unknown	Tipped	Up/out	Susp.	Seat up	Legs stuck	Scald
83-90	6	-	-		1	3			1	1
91	5	-	3	2	2	1				
92	5	-	1	1	2			2		
93	4	-	2	2	1	1				
94	7	1	-		1	2		3	1	
95	15	1	2	11	3	1				
96	7	-	-	4	2		1			
97	10	1	6	4	2	2		1	1	
98	8	-	1	1	2		5			
99	2	6	8	1				1		
00	5		1	2	2		1			
Totals	74	9	24	28	18	10	7	7	3	1

Position Code	Description
Unknown	Found in water, seat position unknown
Tipped	Found in water, seat tipped over
Up/out	Found out of seat in water, but seat still upright and attached
Susp	Suspicious circumstances(not accidental)
Seat up	Still in seat, seat still upright and attached to tub
Legs stuck	Legs stuck in opening of seat
Scald	Seat slid, scalded by hot water from faucet

bathsumm.xls



bathsumm.xls

## Position Codes

### DEATHS

Found in water, seat position unknown	28	
Found in water, seat tipped over	18	2
Found out of seat in water, but seat still upright and attached	10	
Suspicious circumstances(not accidental)	7	
Still in seat, seat still upright and attached to tub	7	
Legs stuck in opening of seat	3	1
Seat slid, scalded by hot water from faucet	1	
<b>TOTALS</b>	<b>74</b>	<b>3</b>

### MINOR INJURY

Cut	3	3
Pinch	2	1
Bruise/bump	2	2
Inhaled water	1	1
Fell from countertop	1	
<b>TOTALS</b>	<b>9</b>	<b>7</b>
<b>TOTALS</b>	<b>7</b>	<b>6</b>
<b>TOTALS</b>	<b>6</b>	<b>3</b>
<b>TOTALS</b>	<b>2</b>	<b>2</b>
<b>TOTALS</b>	<b>5</b>	<b>2</b>
<b>TOTALS</b>	<b>3</b>	<b>2</b>
<b>TOTALS</b>	<b>1</b>	<b>13</b>

### NO INJURY

Slid through opening(s)	7	6
Seat tipped over	6	3
Seat upright	2	
Unknown	5	2
Other	3	2
Sibling held infant under water	1	

**TOTALS**

**13**



## Standard Consumer Safety Specification for Infant Bath Seats<sup>1</sup>

This standard is issued under the fixed designation F 1967, the number immediately following the designation indicates the year of original adoption or, in the case of revision, the year of last revision. A number in parentheses indicates the year of last reapproval. A superscript epsilon (ε) indicates an editorial change since the last revision or reapproval.

### INTRODUCTION

This consumer safety specification is intended to address certain incidents associated with the use of bath seats, bath rings, and other similar devices.

The U.S. Consumer Product Safety Commission (CPSC) identified drowning incidents which generally involved infants either tipping over, climbing out of, or sliding through the product after being left unattended by their caregiver.

This specification does not address incidents in which bath seats are unreasonably misused, are used in a careless manner that disregards the warnings and instructions that are provided with each product, or those instances where the caregiver leaves the infant unattended in the product.

This consumer safety specification is written within the current state-of-the-art product technology. It is intended that this specification will be updated whenever substantive information becomes available and known to ASTM which necessitates additional requirements or justifies the revision of existing requirements.

### 1. Scope

1.1 This consumer safety specification establishes performance requirements, test methods, and labeling requirements to promote the safe use of infant bath seats. Products commonly referred to as bath rings are also included in the scope of this standard.

1.2 This consumer safety specification is intended to reduce the risk of death and minimize injury to infants resulting from use and reasonably foreseeable abuse of infant bath seats.

1.3 No infant bath seat produced after the approval date of this consumer safety specification shall, either by label or other means, indicate compliance with this specification unless it conforms to all requirements contained herein.

1.4 The following precautionary caveat pertains only to the test methods portion, Section 9, of this consumer safety specification: *This standard does not purport to address all of the safety concerns, if any, associated with its use. It is the responsibility of the user of this standard to establish appropriate safety and health practices and determine the applicability of regulatory limitations prior to use.*

1.5 The test values and dimensions stated in inch-pound units are to be regarded as standard. SI values in parentheses are given for information only.

### 2. Referenced Documents

#### 2.1 ASTM Standards.

<sup>1</sup> This specification is under the jurisdiction of ASTM Committee F-15 on Consumer Products and is the direct responsibility of Subcommittee F15.20 on Bath Seats.

Current edition approved April 10, 1999. Published June 1999.

D 3359 Test Method for Measuring Adhesion by Tape Test<sup>2</sup>

F 462 Consumer Safety Specification for Slip-Resistant Bathing Facilities<sup>3</sup>

F 963 Standard Consumer Safety Specification on Toy Safety<sup>3</sup>

2.2 Federal Regulations<sup>4</sup>

16 CFR 1303 Ban of Lead-Containing Paint and Certain Consumer Products Bearing Lead-Containing Paint

16 CFR 1500 Federal Hazardous Substances Act Regulations, including sections

1500.48 Technical Requirements for Determining a Sharp Point in Toys and Other Articles Intended for Use by Children Under 8 Years of Age

1500.49 Technical Requirements for Determining a Sharp Metal or Glass Edge in Toys and Other Articles Intended for Use by Children Under 8 Years of Age

1500.50 Test Methods for Simulating Use and Abuse of Toys and Other Articles Intended for Use by Children

1500.51 Test Methods for Simulating Use and Abuse of Toys and Other Articles Intended for Use by Children 18 Months of Age or Less

16 CFR 1501 Method for Identifying Toys and Other Articles Intended for Use by Children Under 3 Years of Age Which Present Choking, Aspiration, or Ingestion Hazards Because of Small Parts

<sup>2</sup> Annual Book of ASTM Standards, Vol. 06.01

<sup>3</sup> Annual Book of ASTM Standards, Vol. 15.07

<sup>4</sup> Code of Federal Regulations, available from U.S. Government Printing Office, Washington, DC 20402

### 3. Terminology

#### 3.1 Definitions of Terms Specific to This Standard

3.1.1 *bath seat*—a bath seat, bath ring, or other similar product intended to be placed into a bath tub, sink, or similar bathing enclosure to provide support to a seated infant during bathing by an adult caregiver. The product is intended for use only with an infant who is capable of sitting upright unassisted.

3.1.2 *locking or latching mechanism*—method of preventing a bath seat from folding or collapsing during use.

3.1.3 *manufacturer's recommended use position(s)*—any position which is presented as a normal, allowable, or acceptable configuration for the use of the product by the manufacturer in any descriptive or instructional literature. This specifically excludes positions which the manufacturer shows in a like manner in its literature to be unacceptable, unsafe or not recommended.

3.1.4 *occupant*—that individual who is in an infant bath seat in one of the manufacturer's recommended use positions.

3.1.5 *principal display panel*—that part of the product's package which is most likely to be displayed, presented, shown or examined under normal or customary conditions of display for retail sale.

3.1.6 *stability*—the ability of a bath seat to remain upright in all of the manufacturer's recommended use positions.

3.1.7 *static load*—a vertically downward load applied by weights or other means.

### 4. Calibration and Standardization

4.1 Unless otherwise noted, the bath seat shall be completely assembled in accordance with the manufacturer's instructions.

4.2 The product to be tested shall be in a room with an ambient temperature of  $73 \pm 9^\circ\text{F}$  ( $23 \pm 5^\circ\text{C}$ ) for at least 1 h prior to testing. Testing shall then be conducted within this temperature range.

4.3 All testing required by this specification shall be conducted on the same unit.

### 5. Performance Requirements

5.1 All decorated surfaces of the product shall comply with the requirements of 16 CFR 1303.

5.2 *Hazardous Sharp Point*—No sharp point as defined in 16 CFR 1500.48 shall be present on the product either before or after the product has been tested in accordance with Section 9.

5.3 *Hazardous Sharp Edge*—No sharp edge as defined in 16 CFR 1500.49 shall be present on the product either before or after the product has been tested in accordance with Section 9.

5.4 *Small Part*—No small part as defined in 16 CFR 1501 shall become detached from the product either before or after the product has been tested in accordance with Section 9.

5.5 *Openings*—Any shaped holes, slots or cracks that exist in the product in any of its manufacturer's recommended use positions and that are accessible to the toes or fingers of the occupant through or recessed, or both, into the surface of any rigid material that admits a 0.210 in (5.30 mm) diameter rod, shall also admit a 0.375 in (9.50 mm) diameter rod. Openings that have a minor dimension between 0.210 in (5.30 mm) and 0.375 in (9.50 mm) shall be permissible providing the depth is

no greater than the minor dimension of the opening.

5.6 *Requirements for Toys*—Toy accessories attached to, removable from, or sold with bath seats, as well as their means of attachment, must meet applicable requirements of Consumer Safety Specification F 963.

5.7 *Protective Components*—If the child can grasp components between the thumb and forefinger, or teeth, (such as caps, sleeves, or plugs used for protection from sharp edges, points, or entrapment of fingers or toes), or if there is at least a 0.040 in (1.00 mm) gap between the component and its adjacent parent component when the product is in its manufacturer's recommended use position(s), such component shall not be removed when tested in accordance with 9.1.

5.8 *Stability*—For bath seats whose primary method of stability is contact with the bathing surface and which provide support for an occupant's back and support for the sides or front or both of the occupant, the product shall not allow for any parts of the product to become separated from it, shall not sustain permanent damage and shall not tip over after being tested in accordance with 9.2.

#### 5.9 Restraint System

5.9.1 Bath seats, when in the manufacturer's recommended use position(s), which provide support for an occupant's back and support for the sides or front, or both, of the occupant's torso must provide a passive crotch restraint and comply with 5.9.1.1. The bath seat shall not include any additional restraint system which requires action on the part of the caregiver to secure the restraint.

5.9.1.1 A passive crotch restraint shall be assembled as part of the bath seat before shipment from the manufacturer or shall be designed such that the bath seat cannot be used without the passive crotch restraint in place. The passive crotch restraint shall be permanently attached to the bath seat.

5.9.2 Bath seats, when in the manufacturer's recommended use position(s), which provide support for an occupant's back only and do not provide support for the sides and/or front of the occupant's torso shall comply with 5.9.2.1.

5.9.2.1 These bath seats are not required to have a restraint. However, if one is provided, it must be either a passive crotch restraint which complies with 5.9.1 or both a waist and crotch restraint in which the crotch restraint shall be designed such that its use is mandatory when the restraint system is in use.

5.10 *Latching or Locking Mechanism*—Any unit that folds shall have a latching or locking device or other provision in the design that will prevent the unit from unintentionally folding when properly placed in the manufacturer's recommended use position(s). During and upon completion of the test in accordance with 9.3.1, the unit shall remain in the manufacturer's recommended use position, and the latching or locking mechanism shall remain engaged and operative after testing. For all single action locking/latching mechanisms, the mechanism shall not release with a minimum force of 10 lbf (45 N) when tested in accordance with 9.3.2. For all double action locking/latching mechanisms, there is no force requirement when tested in accordance with 9.3.2.

5.11 *Scissoring, Shearing, and Pinching*—When in the manufacturer's recommended use position(s), the product shall be designed and constructed to prevent injury to the occupant.

from any scissoring, shearing, or pinching when members or components rotate about a common axis or fastening point, slide, pivot, fold or otherwise move relative to one another. Scissoring, shearing, or pinching exists when the edges of the rigid parts admit a probe greater than 0.210 in (5.3 mm) and less than 0.375 in (9.5 mm) at any accessible point throughout the range of motion of such parts.

**5.12 Static Load**—The product shall not break, become permanently deformed or damaged, or fail to comply with any of the other requirements of this standard when tested in accordance with 9.5.

## 6. Labeling Requirements

**6.1** Each unit of product and its packaging shall be labeled with the safety alert symbol (exclamation mark within an equilateral triangle), the signal word WARNING in all capital letters, as well as the following two sentences:

Prevent drowning ALWAYS keep baby within arm's reach

The signal word and all other capital letters shall be in sans serif type face with letters not less than 0.2 in (5 mm) in height, with all remainder of the text not less than 0.1 in (2.5 mm) in height. Specified warning(s) on both the product and the package shall be distinctively separated from any other wording or designs and shall appear in the English language at a minimum. They shall also be in a contrasting color to the background on which they are located.

**6.2** Specified warning(s) on the product shall be located so that they are visible to the adult caregiver when the product is in the manufacturer's recommended use position(s) and the occupant is in the product.

**6.3** Specified warning(s) on the package shall be on the principal display panel.

**6.4** Specified warning(s) on the product shall be permanent and readable when tested in accordance with 9.4.

**6.5** Products not recommended by the manufacturer to be used on a slip-resistant surface, as defined in Specification F 462, shall also include a warning to this effect on the principal display panel of the package. This warning shall use the signal word WARNING preceded by the safety alert symbol. In addition, if there are other types of surfaces that the manufacturer does not recommend the product to be used on, then additional warnings should be given regarding such surfaces. These warning(s) shall meet the requirements as described in 6.1 for letter height, language, color, and type.

**6.6** Under no circumstances shall any manufacturer's warnings or statements indicate that the infant may be left in the product without the caregiver in attendance.

## 7. Instructional Literature

**7.1** All units shall have instructional literature enclosed which explains to the caregiver the proper use of the product. Such literature shall include instructions for assembly, maintenance, cleaning, inspections, limitations of the product, and storage, as well as the manufacturer's recommended use position(s).

**7.2** Instructional literature shall also include the warning specified in 6.1 and, in addition, shall emphasize and reinforce the requirement that the parent or adult caregiver should always be present within arm's reach of the infant in the bath

seat, regardless of the circumstances.

**7.3** Instructional literature shall also include the warning(s) specified in 6.5 when applicable.

**7.4** Instructional literature shall instruct the caregiver to discontinue the use of the product if it becomes damaged, broken, or disassembled.

**7.5** Under no circumstances shall any manufacturer's warnings or statements indicate that the infant may be left in the product without the caregiver in attendance.

## 8. Producer's Markings

**8.1** Each unit of product and its package shall be marked with the name and address (city, state, and zip code) of the manufacturer or distributor.

**8.2** A permanent code mark or other product identification shall be provided on the product and its package or shipping container. The code will identify the model number and the date (month and year) of manufacture and permit future identification of any given model. Any upholstery label required by law shall not be used to bear the code mark or identification.

**8.3** The manufacturer shall change the model number whenever the product undergoes a significant structural or design modification or a change that affects its conformance to this consumer safety specification.

## 9. Test Methods

### 9.1 Removal of Components

**9.1.1** If the torque and tension tests are to be conducted on the product, first completely submerge the testable components for 20 min in clear water that is at an initial temperature of 100 to 105°F (37.8 to 40.6°C). Conduct the torque and tension tests within 10 min after removal from the water.

### 9.1.2 Torque Test for Graspable Components.

**9.1.2.1** Using any convenient method to hold the parent component in place, grasp the component to be tested and apply a torque evenly over a period of 5 s in a clockwise direction until either a rotation of 180° is attained or a torque value of 4 lbf in (0.4 N m) has been reached.

**9.1.2.2** Maintain the torque value or the 180° rotation for an additional 10 s and then allow the component to return to its original position.

**9.1.2.3** Repeat this test using a torque in the counter-clockwise direction.

**9.1.3 Tension Test for Graspable Components**—The same component that has undergone the torque test shall also undergo the following tension test immediately following the torque test.

**9.1.3.1** Hold the parent component in place using a suitable device and then grasp the component to be tested and apply a tension force of 15 lbf (67 N) evenly over a period of 5 s in the direction normally associated with the removal of the component. The device used to grasp the component should not compress or expand the component being tested so that it hinders any possible removal.

**9.1.3.2** Maintain this force for an additional 10 s.

### 9.2 Stability

**9.2.1** Install the product according to the manufacturer's instructions onto the test surface(s) specified in 9.2.3. If the

manufacturer's instructions state that the product should be used only on a smooth surface, then the test shall be conducted using only the smooth surface. If the manufacturer's instructions allow for use of the product on a slip-resistant surface, then the test must be conducted using both the smooth surface and the slip resistant surface. The tests for stability must be conducted after the test surface has been flooded with water that is at an initial temperature of 100 to 105°F (37.8 to 40.6°C) to a depth of 2 in. (51 mm) above the occupant seating surface, and then the bath seat has been placed in the manufacturer's recommended use position on the surface.

#### 9.2.2 Test Protocol

9.2.2.1 Attach a 1 by ¼ in. (25 by 6 mm) rigid aluminum flat bar to the inside edge of any vertical member of the bath seat. The length of the flat bar must be such that it extends beyond the uppermost edge or surface of the bath seat by at least as much as the maximum distance  $D$  (calculated below).

9.2.2.2 Calculate the distance  $D$  for a tipover force to be applied to the aluminum bar using the following formula

$$D = (20.4 \text{ in.} - H)/2 \text{ [(51.8 mm} - H)/2] \quad (1)$$

where:

$H$  = the height of the uppermost edge of the vertical member above the seating surface or the height of the uppermost horizontal surface (if one is present at that position) above the seating surface, whichever is greater.

9.2.2.3 Apply a force of 170 lbf (76.5 N) to the aluminum bar at this distance  $D$  above the height  $H$ . Apply the force in a horizontal plane and outward from the center of the bath seat over a period of 5 s. Maintain this force for an additional 10 s. If the bath seat begins to release from the test fixture, continue to maintain this force and its orientation relative to the aluminum bar until the bath seat tips over or the 10 s time limit is attained.

Note 1—If necessary to prevent the bath seat from sliding horizontally on the test surface during this test protocol, the bottom edge of the bath seat may be blocked or wedged to prevent such sliding. However, such blocking should in no way interfere or influence the results of this test protocol.

9.2.2.4 At the position of each vertical member of the bath seat, repeat this test protocol, including the recalculation of the distance  $D$ .

9.2.2.5 Repeat this test protocol with the product in each of the manufacturer's recommended use position(s).

#### 9.2.3 Test Surfaces.

9.2.3.1 Prior to using either test surface, the test surface should be cleaned thoroughly using an alcohol or other solvent based cleaner to remove all foreign material.

9.2.3.2 *Smooth Surface*—A smooth, flat, rigid piece of plexiglass large enough to accommodate the positioning of the bath seat in the manufacturer's recommended use position(s).

9.2.3.3 *Slip Resistant Surface*—Any surface which meets the definition established in Consumer Safety Specification F 462 simulates the bathtub surfaces described therein, and is large enough to accommodate the positioning of the bath seat in the manufacturer's recommended use position(s).

#### 9.3 Latching/Locking Mechanism Integrity

#### 9.3.1 Resistance to Folding

9.3.1.1 Erect the bath seat in one of the manufacturer's recommended use position(s) on the smooth surface fixture. Secure the product so that the normal folding motion is not impeded.

9.3.1.2 Apply a force of 45 lbf (200 N) in the direction normally associated with folding the bath seat.

9.3.1.3 Repeat this procedure 5 times within a 2 min period.

9.3.1.4 Submerge the product in enough water to fully cover the latching/locking mechanism.

9.3.1.5 Repeat the testing prescribed above in 9.3.1.1-9.3.1.3.

9.3.1.6 Repeat the testing in both the dry and the submerged conditions for each additional manufacturer's recommended use position.

#### 9.3.2 Release Mechanism Activation

9.3.2.1 *Products with Single Action Release Mechanism*—With the product in each manufacturer's recommended use position, gradually apply a 10 lbf (45 N) force to the latching or latching mechanism in the direction tending to release it.

9.3.2.2 *Products with Double Action Release Mechanism*—Each double action locking/latching mechanism shall require two distinct and separate actions for release of the mechanism.

9.4 *Permanence of Labels and Warnings*—To determine the permanence of a label or printing applied to the surface of the product, first completely submerge the label or printed area for 20 min in clear water that is at an initial temperature of 100 to 105°F (37.8 to 40.6°C).

9.4.1 A label attached to the surface of the product shall be considered permanent if, during an attempt to manually remove it without the aid of tools or solvents, it cannot be removed, it tears upon removal or such action damages the surface to which it is attached.

9.4.2 Warnings applied directly onto the surface of the product by hot stamping, heat transfer, printing, etc. will be considered permanent if the printing in the area tested is still legible after being subjected to the test described in Test Method D 3359, Test Method B Crosscut Tape Test, eliminating the parallel cuts.

#### 9.5 Static Load Test

9.5.1 Install the product according to the manufacturer's instructions onto the smooth surface test fixture.

9.5.2 Flood the surface with water to a depth of 2 in. (51 mm) above the occupant seating surface.

9.5.3 Place a weight of 30 lb (13.6 kg) on the center of the seat and distribute it upon a 6 by 6 in. (150 by 150 mm) wood block ¾ in. (19 mm) thick.

9.5.4 Remove the weight after a time period of 20 min and observe the product for any breakage, deformation, damage, or failure to meet any other requirements of this consumer safety specification.

## 10. Keywords

10.1 bath ring, bath seat, bath tub, drowning, stability

## APPENDIX

(Nonmandatory Information)

## X1. RATIONALE

X1.1 *Section 3*—All of the definitions reflect those previously approved in the safety standards for other juvenile products.

X1.2 *Section 4*—This section reflects similar wording previously approved in the safety standards for other juvenile products.

X1.3 *Sections 5.1-5.5*—These sections reflect wording previously approved in the safety standards for other juvenile products.

X1.4 *Section 5.6*—All toys associated with a bath seat product should meet the toy safety standard.

X1.5 *Section 5.7*—These are commonly accepted requirements for all graspable components on any children's product.

X1.6 *Section 5.8*—This requirement is based on the need to determine the ability of the bath seat to remain stable and not tip over during use, which would allow the infant to become submerged or trapped. Criteria for testing only bath seats with back support and support for either the sides and/or the front of the occupant arises from the need to attach the test fixture to the product, and also from the assumptions that if no supports are provided, then there is virtually no tipover potential, and that the caregiver must be present with the infant at all times.

X1.7 *Section 5.9.1*—This requirement is based on the need for the bath seat to prevent the infant from sliding through the sides or front of the product. This does not apply to bath seats that provide only a back support for the infant. Also, this precludes bath seats with a passive crotch restraint from also having any additional restraint system due to the potential for allowing this additional restraint to give a false sense of security to the caregiver.

X1.8 *Section 5.9.1.1*—This wording was adopted from ASTM F 404, Consumer Safety Specification on High Chairs, to prevent the caregiver from electing not to use the passive crotch restraint and require that it be permanently attached.

X1.9 *Sections 5.10-5.12*—These sections reflect wording previously approved in the safety standards for other juvenile products.

X1.10 *Section 6*—This section reflects similar wording that has been previously approved in the safety standards for other juvenile products. It is also essential to emphasize that caregivers should *never* leave the infant unattended while using these products, since this is the primary cause of incidents while these products are in use.

X1.11 *Section 7*—This section reflects similar wording previously approved in safety standards for other juvenile products.

X1.12 *Section 8*—This section reflects wording previously approved in safety standards for other juvenile products.

X1.13 *Section 9.1*—This section reflects standard testing methodology for any graspable components. The submersion for 20 min in warm water was determined to be the most representative condition for conducting this test.

X1.14 *Section 9.2*—The initial reference for this test method was ASTM F 977, Consumer Safety Performance Specification for Infant Walkers. However, a fundamental difference between the bath seat and the walker is that in the bath seat, the infant is in a sitting position without their legs being extended vertically to use for standing or pushing. Using anthropometric data for a 12 to 15 month old infant, the maximum crown to rump length is 20.4 in (518 mm). The 95th percentile weight for this same age group is 27.8 lb (12.6 kg). Sixty percent of the weight of the infant was used for the force calculation. Fifty percent of the difference between the crown to rump length and the height of the bath seat was used as the location for this force to be applied.

X1.15 *Section 9.3*—This section reflects wording previously approved in safety standards for other juvenile products.

X1.16 *Section 9.4*—This section reflects wording previously approved in safety standards for other juvenile products.

X1.17 *Section 9.5*—This section reflects wording previously approved in safety standards for other juvenile products.

*The American Society for Testing and Materials takes no position respecting the validity of any patent rights asserted in connection with any item mentioned in this standard. Users of this standard are expressly advised that determination of the validity of any such patent rights and the risk of infringement of such rights, are entirely their own responsibility.*

*This standard is subject to revision at any time by the responsible technical committee and must be reviewed every five years and if not revised, either reapproved or withdrawn. Your comments are invited either for revision of this standard or for additional standards and should be addressed to ASTM Headquarters. Your comments will receive careful consideration at a meeting of the responsible technical committee, which you may attend. If you feel that your comments have not received a fair hearing, you should make your views known to the ASTM Committee on Standards, 100 Barr Harbor Drive, West Conshohocken, PA 19428.*

Stevenson, Todd A.

---

From: Rick Locker [fblocker@lockerlaw.com]  
Sent: Monday, October 23, 2000 4 22 PM  
To: cpssc-os@cpssc.gov  
Subject: FW JPMA COMMENTS IN OPPOSITION TO PETITION HP00-4



Bathsort.xls



bathsumm.xls



F1967.pdf



JPMA Comments re  
Petition to B

Enclosed please find the Juvenile

Products Manufacturers Association (JPMA) comments in opposition to Petition HP00-4. These comments are being filed electronically pursuant to the Commission's solicitation of Comments concerning the Petition, set forth in the Federal Register/ Vol 65, No. 163, Page 50968/ August 22, 2000.



look  
seats 64

October 18, 2000

10725 SW 3<sup>rd</sup> Street Apt #2  
Miami, FL 33174

OFFICE OF THE SECRETARY  
FEDERAL TRADE COMMISSION  
2000 OCT 25 A 9:30

Sadye E. Dunn  
Office of the Secretary  
Consumer Product Safety Commission  
Washington, DC 20207  
telephone (301) 504-0800

Ms Dunn,

After having read and reviewed Petition HP 00-4 requesting the Consumer Product Safety Commission to ban bath seats and bath rings used for bathing infants in bath tubs, I have decided to support the petition. In our research, we came across different statistics presented by both manufacturers and consumer groups. The information presented was alarming. The problem with baby bath seats is that children can step out of the seats into the water and become submerged. The suction cups on the bottom of the seat can detach from the tub, causing the baby to tip over and become trapped underwater by the seat.

According to Safety First, the product is manufactured for convenience and as bathing aids to parents with small children. Unfortunately parents take it as the perfect tool for "safe" bathing. Once the parent has tried the product and left their child alone for one minute, the parent will continue to follow the same risky behavior pattern for a longer period of time despite the warning label found outside the box and on the product itself. The warning label is written in minuscule letters outside the box and in the instruction booklet that accompanies the product. The product itself has the warning but the words are engraved in the product's color making it difficult to see.

The parents that have had success with the product either reuse the seat or ring for their second and third child or give it away to a relative to use. The wear and tear resistance on this product is minimal further increasing the risk that a child might get injured when using this product. The Consumer Product Safety Commission itself sent out a checklist that must be used when buying or using a second-hand baby bath seat or ring found in "Tips for Your Baby's Safety." It cautions about the suction cups securely fastened to the product and whether it attaches itself correctly to the tub.

There are new designs of baby bath seats that look more and more like car seats. This new designs give parents a false sense of security since they are bigger and more expensive than the earlier designs. Due to the size and "security" parents feel they ignore how high the water

level in the bathtub might get Filling the tub with more water than is really needed since there is no mark on the product itself given by the manufacturer to aide the parent This too gives the parent security in leaving their child unattended even for a few seconds Infants and toddlers are not able to protect themselves from drowning, even in a few inches of water Because a child's head is the heaviest part of its body, he or she can easily tip over into the overfilled bathtub The bath seat will make the body weigh even more since they are strap into it and not allow the child to get out. Their lungs get filled with water and unable to scream for help If the parent does not hear anything they assume the child is OK and continue to do whatever it is they are doing instead of returning to supervise the child.

We are asking for baby bath seat and rings manufacturers to further improve the faulty product design. Create more stability for the seat and improve the quality of the suction cups to increase stability and safety. Baby seats are in the market because they satisfied the minimum level of safety standards, which seemed to not have been enough It only takes a few minutes to look at the statistics being presented by consumer groups of the number of children that have had untimely and unwanted deaths that could have been avoided Because the powers exist under the Consumer Protection Act as an enforcement authority to suspend the sale of Baby Bath Seats due to faulty design and lack of the manufacturers efforts to correct the problem. Despite the concrete evidence suggesting the product to be unsafe for public use, baby bath seats are still in use and sold despite the higher risk of babies drowning than by not using the product The information, which denounces the baby bath seats from being defected, has not been disseminated for others who purchase the product are aware of the dangers associated of it The U S Consumer Product Safety Commission (CPSC) promoted baby safety in September by placing special emphasis on keeping babies safe throughout the year Now is the chance to show that you mean what you say. Baby bath seats have hidden hazards that can seduce caregivers into dangerous behavior because they believe their babies are safe when they are not

CPSC stated that "baby safety must be a shared responsibility Like the three sides that support a triangle, government, consumers, and the manufacturers of baby products must work together for the safety of babies " By removing the product of the market you will be achieving this goal

Sincerely,



Scarlette Carballo

scarba01@fiu.edu

Student, Florida International University

~~Stevenson, Todd A.~~

Page 1 of 1

*Let's  
bath  
seats* 65

From Mary Biggart [squirtus@netins.net]

Sent: Tuesday, October 24, 2000 6:15 PM

To: cpsc-os@cpsc.gov

Please ban the Safety First Bath seat, to prevent more senseless deaths of infants! Thanks, Mary Biggart

J145

10/25/00

Stevenson, Todd A.

*bath  
seats*

66

From Information Center  
Sent Thursday, October 26, 2000 9 22 AM  
To 'tbs115@home.com'  
Cc: Stevenson, Todd A  
Subject: RE Child bath seats

Hello,

We appreciate your concern and input. Your message will be forwarded to the appropriate CPSC office. Our Office of the Secretary will respond to you directly.

dcj

-----Original Message-----

From Tanya Smith [mailto:tbs115@home.com]  
Sent Tuesday, October 24, 2000 1 31 PM  
To Information Center  
Subject: Re Child bath seats

Thank you for the information and access to the petition.

I read the petition and am appalled at the idea that it is ok to leave your infant alone in a bathtub, because "the seats give parents a false sense of security." This is an argument for stupidity and reckless disregard for the safety of their child(ren). Would these same parents leave their child alone in a pool, because their child is wearing floaties?

Please give me further information regarding who I can contact about this ridiculous petition.

I truly believe if a product is used improperly and parents disregard the warnings that the parent is responsible regardless of his/her false sense of security. This is plain common sense.

I also believe that if a product does cause harm to children because of defect or malfunction that it should be banned or recalled. So, I do appreciate the work that your agency does.

Thank you for the information.

Tanya B. Smith

Information Center wrote:

>  
> Hello,  
>  
> We appreciate your feedback concerning child bath seats. We are working  
> very diligently to increase awareness about this  
> topic and have provided you with a link to our most recent CPSC news  
> release.  
>  
> <http://www.cpsc.gov/library/foia/foia00/petition/babybath.pdf>  
>  
> We hope this information is informative and thought provoking. Please note  
> you may obtain recall and general safety related information via our web  
> site at [www.cpsc.gov](http://www.cpsc.gov)  
>  
> mks/dcj  
>  
> -----Original Message-----  
> From Tanya Smith [mailto:tbs115@home.com]

J146

> Sent: Saturday, October 21, 2000 9 05 AM

> To: info@cpsc.gov

> Subject: bath seats

>

> I am writing in response to the current campaign by some groups to ban  
> or recall bath seats. I am very concerned about parental  
> responsibility. When infants or children are hurt by products that are  
> not used properly, I believe that should be the responsibility of the  
> parents. There are warnings on every baby product that I own. Parents  
> stupidly disregard these warnings or cautions.

>

> There is a clear warning on the bath seat about not leaving a child  
> unattended while in the bath. I believe that all of the deaths or  
> injuries that occurred while using bath seats occurred because a parent or  
> caretaker decided to leave the child alone in the bath not because of  
> the bath seat.

>

> Please consider the responsibility of parents when deciding upon  
> recalled products. People have lost this idea of responsibility because  
> it is easier to blame a product or another person for their blatant  
> disregard of warnings and practical safety.

>

> I appreciate the service that your agency provides. Thank you

>

> Sincerely,

>

> Tanya B. Smith

**TAB K**

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Reviewed Item



**[The First Years Adjustable Bath Seat](#)**

rated by 28 people.

Average Rating: ★ ★ ★

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About The Author

Epinions ID: CopeSullivan  
Interests: Oh, there's far too many to list. Parenting, Law Enforcement, Shopping, Gardening, Finagling ways to save money, Getting bargains, Loving my Son (and Hubby, of course)... ..Oh, the list is endless.  
Location: SAHNVille, USA  
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**Splish Splash, I got Wedged in the bath!**

by [CopeSullivan](#) (Sun Apr 16 '00)

**Pros:** Didn't break when I threw it down the Cellar Stairs!

**Cons:** Doesn't live up to manufacturer claims

Ever try to remove a wet, screaming, confused, squirming infant from a distressing situation?

Let me tell you, it's **not** a pretty sight! That's exactly what happened each time I used this bath seat. I think I only used it maybe a total of 3 or 4 times (I'm not one to give up too easily. I had to give it an adequate chance to prove itself, and to make sure that **I** wasn't doing anything wrong). But after the last try, this seat found itself amongst the rubble down in our cellar.

We first purchased this seat when our son had just started sitting up on his own. Bathing was getting a little tricky because he no longer wanted to be in a *reclining* position in the tub. On the other hand, constantly holding him up while he sat and played for 15 or 20 minutes was causing my hand to go numb and turn blue!! We figured that we'd try a bath seat. That way, he could sit and play on his own (with me in the bathroom, of course you should **never** leave a child unattended in the tub). Having heard a lot of horror stories about bath seats, I set out to find **the** perfect one.

Mind you, I am generally a fan of **The First Years** products. So, when I saw this seat, I figured that it was just what I was looking for. The concept of the seat is this: The front portion of the seat slides back and forth, making the opening larger and easier to get a child in and out, or so *they* say. My son would have to disagree with that. Trust me, if he could talk, he'd give them an **ear full**. (He's *already* displaying his **fathers** temperament!!).

Let me completely describe this seat to you, so you can get a better Idea of what I'm talking about. The base of the seat is teal, and is shaped in a sort of rounded off triangle. You know, like the old bicycle seats (from maybe the 40's or 50's), that's what this seat is shaped like. There are three suction cups located under each point of the triangle. The surface of the seat is contoured to the shape of a baby's bottom. Supposedly these

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Opinion Recommendation  
Summary

Highly Recommended by  
(93%)

- [JENNI1396](#)
  - [steveaz1](#)
  - [Vickie530](#)
  - [Prncess](#)
  - [surferdude7](#)
- and [57 others](#).

Recommended by (7%)

- [sloving](#)
- [Mininut](#)
- [Melayna](#)
- [momofchris](#)
- [erica\\_zach](#)

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is contoured to the shape of a baby's bottom. Supposedly these contours are to make it easier to clean the child, but in my opinion, this made it more difficult (There is also a safety seat belt made of cloth, with a plastic clip. It's almost exactly like the type you'd find on a stroller or high chair).

Coming up from all three points of the triangle, you have white bars that are connected to a white rail that runs around the seat (in the same shape of the seat itself) While the child is seated, the rail runs around his/her waist. On the front portion of the rail, there are three "spinnny" toys (they look like huge beads), which are purple and yellow. Our son **never** took an interest in these, and was actually quite irritated with them (they got in his way.... How *dare* they? Stupid beads!).

Now, the main feature of this seat is that it is adjustable. The front, center bar (that goes between the legs of the child) slides forward and back. On this bar there are two buttons, located at the base on either side of the bar. If you press these two buttons in, you can slide the bar and front portion of the rail to enlarge or make smaller the opening. I'd like to just add one small precaution here. If you **do** actually buy this seat, and your child is a male... **watch out!** On more than one occasion, I almost caught our son's "privates" in the sliding mechanism. I'm not a male, but I'm **sure** this would have hurt!

According to the manufacturer, this ability to make the opening larger or smaller will allow for easy removal of the child. Well, maybe **someone else's** child, but not ours! I found that the problem wasn't the width of the opening on the top, but the amount of space from the seat to the rail. Honestly, I had no problem getting him **into** the seat, that feature made it very simple. It was getting him **out** that was the problem.

No matter how I tried, I could not get his legs to slide properly out from in-between the seat and the rail. The more I struggled, the more upset my son became. Oh, and you know those suction cups? Incidentally, they never really adhered very well to the bottom of the tub. The seat tipped rather easily. That is, they didn't properly stick to the tub *except* when I **didn't** want them to stick!! Then they worked perfectly! I was having such a hard time, I figured I'd take him out, seat and all. **NOT !!!** Now the suction cups wouldn't let go. Well, I *finally* got him out of the seat. Like I said before, I did try the seat several times. I will say, it did get easier every time I used it, but not by much.

I finally succumbed to the idea that **I** would have to continue to be his bath support until he was better able to do it himself. This seat was more of a hindrance, then a help. Maybe the spiders and the centipedes in the basement will get more use out of it than we did!!

**Purchase Price:** \$14.99

**Recommend to other potential buyers?** No



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#### Reviewed Item



**The First Years Adjustable Bath Seat**  
rated by 28 people  
Average Rating.  
\*\*\*

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#### About The Author

Regina  
Epinions ID: JustReg2  
Interests: My #1 interest is my family.  
When I have free time I enjoy online shopping, freebies, and playdates with friends. Come Back Soon !! Visits since June 14, 2000  
Free counters provided by Honesty.com.  
Location: Long Island, New York  
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**For the mommy who needs an extra set of hands !!**

\*\*\*  
by: [JustReg2](#) (Sun May 14 '00)

**Pros:** Mommy's hands are free to wash slippery baby

**Cons:** Suction cups don't always work

Being a first time mom, I was so afraid that I was lacking in the *How To Take Care Of Baby* Department. Before my son was born, I could count the amount of diapers I changed **on one hand** I was afraid that I *wouldn't be able to do it* That fear is normal, in my opinion, and easy to work through. You want the best for your child and you don't want to make any mistakes along the way. I consider myself a **great Mom**, but let me tell you, I was far from perfect.

When my son was ready to graduate from the infant tub (the type you use on the kitchen table, counter, tub, or sink), I went searching for a product to make the transition easier for my son (and, of course me).

I found and purchased **The First Years Adjustable Bath Seat**. The base of the seat is made of sturdy plastic in a teal color. On the bottom there are three suction cups that attach to the tub (or so they say). I had some difficulty getting the suction cups to stick on a consistent basis. At best, only 2 actually stuck. There were a few occasions when my son would get cranky in the tub, he would squirm and wriggle. The seat would tip to the side. YIKES !! This scared him AND me !!

This seat comes equipped with a white belt that locks around the child (like a belt on supermarket shopping carts). This belt worked very well. No complaints about that. The white adjustable ring that goes around the child has three spinning toys on it. I think these toys are not necessary. We have plenty of bath toys that we didn't need these. This seat is supposed to be for support and to make the transition between infant tub and adult tub easy. It shouldn't be considered a toy. This white ring is adjustable so you can tailor its size to your child's size. This is great because it grows with your child, and you will get plenty of use out of it.

There is, however, something else that I don't like about this

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Highly  
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- [dmfokjf](#)
- [revco98](#)
- [ktryathart1](#)
- [casey215](#)
- [sloving](#)

and [12 others](#).

Recommended by  
(11%)

- [erica\\_zach](#)

and 1 person  
(anonymous).

Note: Opinion ratings  
are based on your [Web  
of Trust](#), not the  
Opinion  
Recommendation  
Summary.

There is, however, something else that I don't like about this seat. It is very difficult to wash the baby's bottom while sitting in this seat. So, you'll have to take him out of the seat to do so.

Babies are so slippery when wet that this seat was great for me, a first time mom, who was unsure of herself. I was able to give my son a pretty good bath and I became more confident doing so. I would recommend this to you if you're looking for an item that is helpful to you, but it's not on my **Love It!** list.

Please make sure that if you use this item that you never leave the child unattended. Like I said earlier in this review, the seat has tipped over on a few occasions.

**Purchase Price:** \$16

**Recommend to other potential buyers?** Yes

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[The First Years Adjustable Bath Seat](#)  
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About The Author

Amy  
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WorkingMomof2  
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Spending time with my  
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gym, relaxing on a  
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my "spare time"  
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California  
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## The First Years Bath Seat: Rub a Dub Dub - Safe in the Tub

\*\*\*\*\*

by: [WorkingMomof2](#) (Fri Feb 11 '00)

**Pros:** Easy to use, grows with baby, stays in place, toys are amusing, fairly inexpensive

**Cons:** Not foolproof, make sure baby is ALWAYS supervised, even in a bathseat

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I have to admit, I didn't even realize that there were such huge differences in the models of bathseats until my friend told me how she had quit using hers on her 11 month old daughter quite a while ago "You're kidding!", I exclaimed, since my almost-two-year old daughter is still quite content in hers. My son also used his until he was almost three, and never complained (he had the discontinued Gerry Splash Seat, a lot like the First Years product but without the seatbelt) Since the Gerry and the First Years seats were so similar, I hadn't realized the other product(s) varied so much!

Well, there ARE a lot of differences in bath seats. The Safety First ring, which seems to be a big seller, is handy because it spins around, however, according to two close friends, does not hold baby in securely. This means as soon as baby learns s/he can escape by using the houdini-like maneuver of twisting one leg out, s/he will spend the entire bath trying to get OUT of the seat.

The First Years seat overcomes that problem. The bar slides, to allow easier entry and exit, but locks up in place so Junior is more securely fastened in. There is a waist-belt, which is just like the seat belt in a standard highchair, so if your little Houdini is compelled to escape, she can spend time trying to free herself from that first. The suction cups hold tightly - as in very tightly, this doesn't move easily once it's in place (you have to break the suction on 3 or more cups to get the seat repositioned) And there are three toys on the front that distract baby, cute and fun to play with. I believe I paid about \$18-20 for this new

Now obviously I cannot speak for other kids. However, both of my kids were in the infant tubs for the first 6 months or so, then went into the bath seat. My daughter will be two in March, and she happily climbs into the bathseat on her own and pulls up the little handle. Any my son used his (similar) seat until almost age three without complaint. Of course it will depend on the personality and size of your children, but if my daughter's thundergut still fits in here, you

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your children, but if my daughter's thundergut still fits in here, you know its roomy... Yet still tight enough to keep her secure

One mom commented on how difficult she found it to wash her baby's bottom in this seat. I just undo the latch, lift baby up a little bit, swish around down there with a soapy washcloth, swish around again with a non-soapy washcloth, and plop her back down (and re-lock the bar) to keep playing in the tub.

One more area I want to comment on. These bathseats are NOT foolproof. My daughter can easily open the bar, if she wants to. My son could open the Gerry one, and my friend's daughter can clearly climb right out of the Safety First one. What they do is support your baby, so you have both hands free to wash, play, etc. What they do NOT do is guarantee your child's safety, and you should never, ever leave a child alone in the bathtub. Even if the phone rings, even if you are just dashing out to grab a clean set of clothes. Stay with baby, let the answering machine answer the phone, or get the clothes AFTER you get baby out of the tub.

I did not write the following, but it is important enough for me to quote it here:

**"Think twice before using a bath seat. These plastic seats, designed to hold your baby safely in the tub, have been associated with an increasing number of reported infant drowning deaths, a new study published in Pediatrics electronic pages has found. Why? Parents may be more likely to leave their children in the tub unattended if they're using a seat or ring, researchers found. The Consumer Product Safety Commission investigated 32 drowning deaths involving bath seats or rings between 1983 and 1995, finding that adult supervision lapsed in more than 90 percent of the cases."**

*From BabyCenter,  
10/6/1997(<http://www.babycenter.com/news/19971006.html#1937>)*

One recommended option is to bathe with baby, placing her between your legs, and wrapping one arm around her belly to keep her upright. I have done this, and it works; however, if you don't want to take a bath with baby every night, a good bathseat will help.

I believe that baby bathseats are fabulous helpers for bathing baby. They prevent you from dropping a slippery baby/toddler, and they help keep baby upright in the tub. Of the three bathseats I know of, the First Years product is the safest, in my opinion. Nonetheless, no product replaces the safety of parental supervision, and you should never rely on the bathseat to keep your baby safe in the tub without you.

**Purchase Price: \$18**

**Recommend to other potential buyers? Yes**

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**The First Years Adjustable Bath Seat**  
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About The Author

Lara P

Epinions ID: RosaMay  
Interests. My interests include but aren't limited to Music, movies, star gazing, internet chatting, reading, and believe it or not writing!! I don't have alot of time lately to write or rate epinions but, never fear, I will get all caught up as soon as possible. (when I finally get some days off)

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by [RosaMay](#) (Sun May 21 '00)**Pros:** it looks like it would work  
**Cons:** it doesn'tOpinion  
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I have this product in my home although it is no longer in use. I only used it about three times and I'll tell you it is not safe at all. It was very easy for my son to adjust it just right for him to climb on out even with the straps strapped around him, he still managed. Plus the little suction cups do not stay suctioned to the bottom of the tub, which allows the child to slip and slide all over the tub..nope not good at all.

At first I just thought my son was just really smart (which he is but, ) to be getting out of the seat like that. then I came to realize it didn't take smarts the little adjustable area in the front is so east to move it isnt even funny. The last time we used it he was wiggling around in the seat and moved just a bit, the suction cups came unstuck he slid and fell face first in the water with the seat still attached.

Now had I not been standing right there (for some odd reason) my son could have drowned because with that little chair strapped to him he wouldn't have been able to get up. So I hope that helps some of you to decide not to buy this product for your childs safety..

**Purchase Price:** \$it was a gift**Recommend to other potential buyers?** Yes**What do you think?**☒ **Rate this opinion**

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### An accident waiting to happen.

★★★★★

Pros: None!

Cons: Suction cups loosen easily

I used this ring a total of 3 times, and then RAN it to the garbage can! DANGER is the word that comes to my mind when I see this product. The suction cups do not work very well, they seem to be attached, but become unattached in a very short amount of time. I had my then 6 month old son in this when the cups came unattached and dumped him face first in the water!! It terrified us both! I thought at first, that perhaps I didn't secure it properly so I gave it another try. Same kind of thing happened, but this time I saw it come unattached and saved my son from another dunking. I also found it somewhat difficult to take him out of. He got some scrapes on his legs since he would stiffen them as I lifted him out, and they rubbed the hard plastic as I was trying to get him out. After all this, I decided that bath time would become a play time for us, so I climbed in with him, and tossed that tub ring out right away

I contacted safety first about this ring and they tried to tell me it was my tub, but my tub is a plain one, with no textures on it, so I know it wasn't the tub. After a few more emails and phone calls, they told me to mail them the suction cups, and they would send me some free bath toys. I decided I just wanted to forget about it, and never did send those suction cups.

Parents beware!! If you have one of these, sit RIGHT beside your child in case it unattaches from the tub! I think that this tub ring is a tragedy waiting to happen!!!

**Purchase Price: \$10.00**

**Recommend to other potential buyers? No**

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